THE BOMBAY TENANCY AND AGRICULTURAL LANDS ACT, 1948.

CONTENTS.

PREAMBLE.

SECTIONS.

CHAPTER I.

PRELIMINARY.

1. Short title and extent.
2. Definitions.

CHAPTER II.

GENERAL PROVISIONS REGARDING TENANCIES.

3. Application of Chapter V of Transfer of Property Act.
4. Persons to be deemed tenants.
5. Period of tenancy.
6. Maximum rent.
7. Rent.
8. Commutation of crop-share rent into cash.
9. Prohibition for receiving rent in terms of service or labour.
10. Refund of rent recovered in contravention of the provisions of the Act and other penalties.
11. Abolition of all cesses, etc.
12. Enquiries as regards reasonable rent.
13. Suspensions or remission of rent.
14. Termination of tenancy.
15. [*Deleted.*]
16. Bar to eviction from dwelling house.
17. Tenant to be given first option of purchasing site on which he has built a dwelling house.
18. Dwelling houses of agricultural labourers and artisans.
19. Tenant's rights to trees planted by him
20. Right to produce of naturally growing trees.
21. Sub-letting of land by or on behalf of person in military, naval or air service of the Union not to terminate tenancy.
22. Tenants responsible for maintenance of boundary marks.
23. Repairs of protective bunds.
24. Relief against termination of tenancy in certain cases.
25. Relief against termination of tenancy for non-payment of rent.
25A. Tenancy to be in abeyance during usufructuary mortgage in favour of tenant.
26. Receipts for rent.
27. Sub-division, sub-letting and assignment prohibited.
28. Bar to attachment, seizure or sale by process of court.
29. Procedure of taking possession.
30. Act not to affect rights or privileges of tenant under any other law.

SECTIONS.

CHAPTER III.

PROTECTED TENANTS, THEIR SPECIAL RIGHTS AND PRIVILEGES.

31. Protected tenants.
32. Right of protected tenant to purchase land.
33. Right of protected tenants to exchange land.
34. Landlord's right to determine protected tenancy.
35. [*Deleted.*]
36. Power of State Government to reduce the limit of fifty acres.
37. Landlord to restore possession if he fails to cultivate within one year.
38. Circumstances in which landlord shall be deemed to cultivate personally.
39. Application for recovery of possession by tenant.
40. Continuation of tenancy on the death of a protected tenant.
41. Compensation for improvement made by protected tenant.
42. Protected tenant's right to erect farm house.
43. Restriction on protected tenant's right of transfer.

CHAPTER IV.

MANAGEMENT OF ESTATES HELD BY LAND HOLDERS.

44. Power to assume management of land holder's estate.
45. Vesting of estate in management.
46. Effect of declaration of management.
47. Manager's powers.
48. Manager to pay costs of management, etc.
49. Notice to claimants.
50. Claim to contain full particulars.
51. Claim not duly notified to be barred.
52. Determination of debts and liabilities.
53. Power to rank debts and fix interest.
54. Scheme for liquidation.
55. Provisions of scheme.
56. Effects of sanctioning scheme.
57. Power to remove mortgagee in possession.
58. Power to sell or lease.
59. Manager's receipt a discharge.
60. Holder of estate dying.
61. Termination of management.
62. Manager deemed to be public servant.

CHAPTER V.

RESTRICTIONS ON TRANSFERS OF AGRICULTURAL LANDS, MANAGEMENT OF UNCULTIVATED LANDS AND ACQUISITION OF ESTATES AND LANDS.

63. Transfers to non-agriculturists barred.
64. Sale of agricultural land to particular persons.
64A. Exemption to sales by or in favour of co-operative societies.
65. Assumption of management of lands which remained uncultivated.
66. Acquisition of estate or land under management or interest therein.

SECTIONS.

CHAPTER VI.

PROCEDURE AND JURISDICTION OF TRIBUNAL AND MAMLATDAR AND APPEALS.

67. Constitution of the Tribunal.
68. Duties of the Tribunal.
69. Powers of the Tribunal.
70. Duties of the Mamlatdar.
71. Commencement of proceedings.
72. Procedure.
72A. Power of Collector to transfer proceedings.
73. Execution of order for payment of money or for restoring possession.
74. Appeals.
74A. Powers of Collector to transfer and withdraw appeals.
75. Appeal against award of Collector.
76. Revision.
77. Court-fees.
78. Orders in appeal or revision.
79. Limitation.
80. Inquiries and proceedings to be judicial proceedings.
80A. Pleaders, etc., excluded from apperance.

CHAPTER VII.

OFFENCES AND PENALTIES.

81. Offences and penalties.

CHAPTER VIII.

MISCELLANEOUS.

82. Rules.
83. Delegation of powers.
84. Summary eviction.
85. Bar of jurisdiction.
86. Control.
87. Indemnity.
88. Act no ? apply to certain lands and areas.
89. Repeal.

THE SCHEDULE.

BOMBAY ACT No. LXVII OF 1948.[1]

[THE BOMBAY TENANCY AND AGRICULTURAL LANDS ACT, 1948.]

[*28th December 1948*]

Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 12 of 1951.
" " " 34 of 1951.
" " " 45 of 1951.
" " " 33 of 1952.
" " " 60 of 1953.

An Act to amend the law relating to tenancies of agricultural lands and to make certain other provisions in regard to those lands.

WHEREAS it is necessary to amend the law which governs the relations of landlords and tenants of agricultural lands;

AND WHEREAS on account of the neglect of a landholder or disputes between a landholder and his tenants, the cultivation of his estate has seriously suffered, or for the purpose of improving the economic and social conditions of peasants or ensuring the full and efficient use of land for agriculture, it is expedient to assume management of estates held by landholders and to regulate and impose restrictions on the transfer of agricultural lands, dwelling houses, sites and lands appurtenant thereto belonging to or occupied by agriculturists, agricultural labourers and artisans in the Province of Bombay and to make provisions for certain other purposes hereinafter appearing; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and extent.

1. (*1*) This Act may be called the Bombay Tenancy and Agricultural Lands Act, 1948.

(*2*) It extends to the whole of the [2][State] of Bombay.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Agriculture" includes horticulture, the raising of crops, grass or garden produce, dairy farming, poultry farming, stock breeding and grazing, but does not include cutting of wood only;

(*2*) "Agriculturist" means a person who cultivates land personally;

[3][(*2A*) "Collector" includes an Assistant or Deputy Collector performing the duties and exercising the powers of the Collector under the Bombay Land Revenue Code, 1879;]

Bom. V of 1879.

(*3*) "Co-operative Society" means a society registered under the provisions of the Bombay Co-operative Societies Act, 1925, or a society deemed to have been registered under the said Act;

Bom. VII of 1925.

(*4*) "Co-operative Farming Society" means a society registered as such under the Bombay Co-operative Societies Act, 1925;

Bom. VII of 1925.

(*5*) "To cultivate" means to carry on any agricultural operation;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1948, Part V, page 295.

[2] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

[3] This clause was inserted by Bom. 12 of 1951, s. 2.

(*6*) "To cultivate personally" means to cultivate on one's own account—

(*i*) by one's own labour, or

(*ii*) by the labour of any member of one's family, or

(*iii*) by servants on wages payable in cash or kind but not in crop share or by hired labour under one's personal supervision or the personal supervision of any member of one's family.

Explanation I.—A tenant who is a widow or a minor or is subject to any physical or mental disability shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labour;

Explanation II.—In the case of an undivided Hindu family, the land shall be deemed to have been cultivated personally, if it is cultivated by any member of such family;

(*7*) "Improvement" means with reference to any land, any work which adds to the value of the land and which is suitable thereto as also consistent with the purpose for which it is held; and includes—

(*a*) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes;

(*b*) the construction of works for the drainage of land or for the protection of land from floods or from erosion or other damage from water;

(*c*) the reclaiming, clearing, enclosing, levelling or terracing of land;

(*d*) the erection of buildings on the land, required for the convenient or profitable use of such land for agricultural purposes; and

(*e*) the renewal or reconstruction of any of the foregoing works or alterations therein or additions thereto as are not of the nature of ordinary repairs; but does not include such clearances, embankments, levellings, enclosures, temporary wells, water channels and other works as are commonly made by the tenants, in the ordinary course of agriculture;

(*8*) "Land" means land which is used for agricultural purposes, and includes—

(*a*) the sites of farm buildings appurtenant to land used for agricultural purposes, and

(*b*) the sites of dwelling houses occupied by agriculturists, agricultural labourers or artisans and land appurtenant to such dwelling houses;

(*9*) "Landholder" means a zamindar, jagirdar, saranjamdar, inamdar, talukdar, malik or a khot or any person not hereinbefore specified who is a holder of land or who is interested in land, and whom the [1][State] Government has declared on account of the extent and value of the land or his interests therein to be a land-holder for the purposes of this Act;

(*10*) "Mamlatdar" includes a Mahalkari and any other officer whom the [1][State] Government may appoint to perform the duties of a Mamlatdar under this Act;

(*11*) "Person" includes an undivided Hindu family;

(*12*) "Prescribed" means prescribed by rules made under this Act;

(*13*) "Profits of Agriculture" in respect of any land means the surplus remaining with the cultivator after the expenses of cultivation including the wages of the cultivator working on the land are deducted from the gross produce;

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(*14*) "Protected tenant" means a person who is recognised to be a protected tenant under section 31;

(*15*) "Reasonable rent" means the rent determined under section 12;

(*16*) "Rent" means any consideration, in money or kind or both, paid or payable by a tenant on account of the use or occupation of the land held by him but shall not include the rendering of any personal service or labour;

(*17*) "Tenancy" means the relationship of landlord and tenant;

(*18*) "Tenant" means an agriculturist who holds land on lease and includes a person who is deemed to be tenant under the provisions of this Act. The word "landlord" shall be construed accordingly;

(*19*) "Tribunal" means the Agricultural Lands Tribunal constituted under section 67;

(*20*) "Year" means the year ending on the 31st of March or on such date as the [1][State] Government may, by a notification, appoint for any locality;

Bom. V of 1879. IV of 1882. (*21*) Words and expressions used in this Act but not defined shall have the meaning assigned to them in the Bombay Land Revenue Code, 1879, and the Transfer of Property Act, 1882, as the case may be.

CHAPTER II.

General Provisions regarding Tenancies.

IV of 1882. **3.** The provisions of Chapter V of the Transfer of Property Act, 1882, shall, in so far as they are not inconsistent with the provisions of this Act, apply to the tenancies and leases of lands to which this Act applies. Application of Chapter V of Transfer of Property Act.

4. A person lawfully cultivating any land belonging to another person shall be deemed to be a tenant if such land is not cultivated personally by the owner and if such person is not— Persons to be deemed tenants.

(*a*) a member of the owner's family, or

(*b*) a servant on wages payable in cash or kind but not in crop share or a hired labourer cultivating the land under the personal supervision of the owner or any member of the owner's family, or

(*c*) a mortgagee in possession.

Explanation.—A person shall not be deemed to be a tenant under this section if such person has been on an application made by the owner of the land as provided under section 2-A of the Bombay Tenancy Act, 1939, declared by a competent authority not to be a tenant.

Bom. XXIX of 1939.

[2][**5.** (*1*) No tenancy of any land shall be for a period of less than ten years: Period of tenancy.

Provided that at the end of the said period and thereafter at the end of each period of ten years in succession, the tenancy shall, subject to the provisions of sub-sections (*2*) and (*3*), be deemed to be renewed for a further period of ten years on the same terms and conditions notwithstanding any agreement to the contrary.

(*2*) The landlord may, by giving the tenant one year's notice in writing before the end of each of the periods referred to in sub-section (*1*), terminate the tenancy, with effect from the thirty-first day of March in the last year of each of the said period, if he *bona fide* requires the land for any of the purposes specified in sub-section (*1*) of section 34, but subject to the provisions of sub-sections (*2*) and (*2A*) of the said section, as if such tenant was a protected tenant.

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] Section 5 was substituted for the original by Bom. 33 of 1952, s. 2.

(*3*) Notwithstanding anything contained in sub-section (*1*)—

(*a*) every tenancy shall, subject to the provisions of sections 24 and 25, be liable to be terminated at any time on any of the grounds mentioned in section 14 ; and

(*b*) a tenant may terminate the tenancy at any time by surrendering his interest as a tenant in favour of the landlord :

Provided that such surrender shall be in writing and shall be verified before the Mamlatdar in the prescribed manner.]

Maximum rent.

6. (*1*) Notwithstanding any agreement, usage, decree or order of a Court or any law, the maximum rent payable by a tenant for the lease of any land shall not, in the case of an irrigated land, exceed one-fourth and in the case of any other land exceed one-third of the crop of such land or its value as determined in the prescribed manner.

[1][(*2*) The [2][State] Government may, by notification in the *Official Gazette* fix a lower rate of the maximum rent payable by the tenants of lands situate in any particular area or may fix such rate on any other suitable basis as it thinks fit.

(*3*) Where a lower rate of the maximum rent is fixed under sub-section (*2*), the landlord shall be entitled to reduce, in proportion to the rate so lowered, any contribution which he is liable to make towards the cost of cultivation of the land under any agreement, usage, decree or order of a court or any law.]

Rent.

7. The rent payable by a tenant shall, subject to the maximum rate fixed, under section 6 be the rent agreed upon between such tenant and his landlord or in the absence of any such agreement the rent payable according to the usage of the locality or if there is no such agreement or usage, or where there is a dispute as regards the reasonableness of the rent payable according to such agreement or usage, the reasonable rent.

Commutation of crop-share rent into cash.

8. (*1*) The [2][State] Government may, from time to time, by notification in the *Official Gazette* declare that rents payable wholly or partly as a crop share in any area to which the notification applies shall, with effect from a date specified in the notification, which shall not be earlier than six months from the date of the notification, be commuted into cash rent.

(*2*) The [2][State] Government may also by notification in the *Official Gazette* in respect of any specified area fix the rate of commutation. If no rate of commutation has been so fixed the amount of commutation shall be determined by the Mamlatdar in the manner prescribed. The amount so determined shall not exceed the rent at the maximum rate fixed under section 6 and shall not be altered for a period of five years from the date on which it was determined :

Provided that the Mamlatdar may, during the said period of five years, reduce the rent if on an application made to him by a tenant he is satisfied that on account of deterioration of the land by floods or other causes beyond the control of the tenant the land has been wholly or partially rendered unfit for the purposes of cultivation.

(*3*) Notwithstanding anything contained in any agreement, usage, decree or order of a Court no landlord in any area in respect of which a notification has been issued under sub-section (*1*) shall recover any rent by way of crop-share or in excess of the commuted cash rent after the date specified in such notification under sub-section (*1*).

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[1] This sub-section was added by Bom. 12 of 1951, s. 3.

[2] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

Prohibition for receiving rent in terms of service or labour.

9. (*1*) Any landlord receiving rent from any tenant in terms of service or labour shall within twelve months from the date of coming into force of this Act apply to the Mamlatdar for commuting such rent into cash. Such application shall be made in such form as may be prescribed.

(*2*) On receipt of an application under sub-section (*1*) the Mamlatdar shall after holding an inquiry by order in writing commute such rent into cash rent.

(*3*) Notwithstanding anything contained in any agreement, usage, decree or order of a Court or any law no landlord shall recover or receive rent in terms of service or labour after a period of twelve months from the date of coming into force of this Act.

Refund of rent recovered in contravention of the provisions of the Act and other penalties.

10. If any landlord recovers rent from any tenant in contravention of the provisions of section 6, 7, 8 or 9, he shall forthwith refund the excess amount recovered to the tenant and shall be liable to pay such compensation to the tenant as may be determined by the Mamlatdar in this behalf and shall also be liable to such penalty as may be prescribed by rules made under this Act.

Abolition of all cesses, etc.

11. Notwithstanding any agreement, usage or law, it shall not be lawful for any landlord to levy any cess, rate, vero, huk or tax or service of any description or denomination whatsoever from any tenant in respect of any land held by him as a tenant other than the rent lawfully due in respect of such land.

Enquiries as regards reasonable rent.

12. (*1*) For the determination of the reasonable rent of any land the tenant or his landlord may apply in writing to the Mamlatdar. Such application shall be in such form as may be prescribed.

(*2*) On receipt of an application under sub-section (*1*) the Mamlatdar shall give notice to the landlord or to the tenant, as the case may be, and after holding an inquiry, shall determine the reasonable rent of the land.

(*3*) In determining the reasonable rent regard shall, subject to the provisions of section 6, be had to the following factors :—

(*a*) the rental values of lands used for similar purposes in the locality ;
(*b*) the profits of agriculture of similar lands in the locality ;
(*c*) the prices of crops and commodities in the locality ;
(*d*) the improvements made in the land by the landlord or tenant ;
(*e*) the assessment payable in respect of the land ; and
(*f*) such other factors as may be prescribed :

Provided that in determining the reasonable rent the Mamlatdar may commute any rent payable wholly or partly as a crop-share into cash rent.

(*4*) A tenant may at any time during the pendency of proceedings under this section deposit with the Mamlatdar or if an appeal has been filed, with the Collector as the case may be, a sum equal to the amount of rent which if no proceedings had been instituted under this section he would have been liable to pay in respect of the land of which the reasonable rent is to be determined. On the completion of proceedings the Mamlatdar or the Collector shall direct that the amount so deposited or such part of it as is equal to the amount determined as reasonable rent under this section shall be paid to the landlord and shall make such other order as may be necessary.

MO.VI Bk H 471—13*a*

(*5*) Every order passed by the Mamlatdar under this section if not appealed against, and every order passed by the Collector in appeal shall hold good for a period of five years and shall not be called in question during that period :

Provided that the Mamlatdar or the Collector, as the case may be, may, during the said period of five years—

(*i*) reduce the rent if on an application made to him by a tenant the Mamlatdar or the Collector, as the case may be, is satisfied that

(*a*) on account of deterioration of the land by floods or other cause beyond the control of the tenant the land has been wholly or partially rendered unfit for the purposes of cultivation, or

(*b*) the tenant has incurred any expenditure on account of improvements made on the land. or

(*ii*) enhance the rent, if on an application made to him by a landlord the Mamlatdar or the Collector, as the case may be, is satisfied that on account of any improvement made in the land by or at the expense of the landlord the produce of the land is increased.

Suspensions or remissions of rent.

13. (*1*) Notwithstanding anything contained in section 84A of the Bombay Land Revenue Code, 1879, whenever from any cause the payment of the whole land revenue payable to Government by a landlord in respect of any land is suspended or remitted, the landlord shall suspend or remit, as the case may be, the payment to him of the rent of such land by his tenant. If in the case of such land the land revenue is partially suspended or remitted, the landlord shall suspend or remit the rent payable by the tenant of such land in the same proportion. Bom. V of 1879.

(*2*) If no land revenue is payable to Government in respect of such land and if from any cause, the payment of the whole or any part of the land revenue payable to Government in respect of any other land in the neighbourhood of such land has been suspended or remitted, the Collector shall, subject to the general or special orders of Government, in the manner provided in sub-section (*1*) suspend or remit, as the case may be, the payment to the landlord of the rent or part of it due in respect of such land.

(*3*) No application for assistance under sections 86 and 87 of the Bombay Land Revenue Code, 1879, shall be entertained, no suit shall lie and no decree of a Civil Court shall be executed for recovery by a landlord of any rent, the payment of which has been remitted, or during the period for which the payment of such rent has been suspended under this section. The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation prescribed for any suit or proceeding for the recovery of such rent. Bom. V of 1879.

(*4*) Notwithstanding anything contained in sections 86 and 87 of the Bombay Land Revenue Code, 1879, the Collector shall, in passing an order under sub-section (*2*) of section 87 of the said Code, for rendering assistance to the landlord, allow to the tenant a set-off for the sum, if any, paid by such tenant to the landlord in excess of the amount of rent due from him after deducting the amount required to be remitted under sub-section (*1*) or sub-section (*2*) of this section or under section 84A of the said Code. The set-off under this sub-section shall be allowed only in respect of the sums paid by such tenant to such landlord during a period of three years immediately preceding the date of the application made under section 86 of the said Code. Bom. V of 1879.

(*5*) If any landlord fails to suspend or remit the payment of rent as provided in this section, he shall be liable to refund to the tenant the amount recovered by him in contravention of this section. The tenant may apply to the Mamlatdar for the recovery of the amount and the Mamlatdar may after making an inquiry make an order for the refund.

14. (*1*) Notwithstanding any agreement, usage, decree or order of a Court of law, the tenancy of any land held by a tenant shall not be terminated unless such tenant— **Termination of tenancy.**

(*a*) (*i*) has failed to pay in any year, within fifteen days from the day fixed for the payment of the last instalment of land revenue in accordance with the rules made under the Bombay Land Revenue Code, 1879, for that year, the rent of such land for that year, or

Bom. V of 1879.

(*ii*) if an application for the determination of reasonable rent is pending before the Mamlatdar or the Collector under section 12, has failed to deposit within fifteen days from the aforesaid date with the Mamlatdar or the Collector, as the case may be, a sum equal to the amount of rent which he would have been liable to pay for that year if no such application had been made, or

(*iii*) in case the reasonable rent determined under section 12 is higher than the sum deposited by him, has failed to pay the balance due from him within two months from the date of the decision of the Mamlatdar or the Collector, as the case may be ;

(*b*) has done any act which is destructive or permanently injurious to the land ;

(*c*) has sub-divided the land [1][in contravention of section 27] ;

(*d*) has sub-let the land or failed to cultivate it personally ; or

(*e*) has used such land for a purpose other than agriculture :

[2][Provided that no tenancy of any land held by a tenant shall be terminated on any of the grounds mentioned in this sub-section, unless the landlord gives three months' notice in writing intimating the tenant his decision to terminate the tenancy and the ground for such termination.]

[3]* * * * * *

(*3*) Notwithstanding anything contained in sub-section (*1*), the tenancy of any land held by a tenant who is a minor or who is subject to physical or mental disability shall not be liable to be terminated under the said sub-section only on the ground that such land has been sub-let on behalf of the said tenant.

15. [*Tenancy deemed to be renewed for ten years if the tenant allowed to hold over.*] *Deleted by Bom. 33 of 1952, s. 4.*

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[1] These words and figures were inserted by Bom. 33 of 1952, s. 3 (*1*).
[2] This proviso was added, *ibid.*
[3] Sub-section (*2*) was deleted, *ibid*, s. 3 (*2*).

Bar to eviction from dwelling house.

16. (*1*) If in any village, a tenant is in occupation of a dwelling house built at the expense of such tenant or his predecessor-in-title on a site belonging to his landlord, such tenant shall not be evicted from such dwelling house (with the materials and the site thereof and the land immediately appurtenant thereto and necessary for its enjoyment) unless—

(*a*) the landlord proves that the dwelling house was not built at the expense of such tenant or his predecessor-in-title; and

(*b*) such tenant makes a default in the payment of rent, if any, which he has been paying for the use and occupation of such site.

(*2*) The provisions of sub-section (*1*) shall not apply to a dwelling house which is situated on any land used for the purposes of agriculture from which he has been evicted under sub-section (*1*) of section 34.

Tenant to be given first option of purchasing site on which he has built a dwelling house.

17. (*1*) If a landlord to whom the site referred to in section 16 belongs intends to sell such site, the tenant at the expense of whom or whose predecessor-in-title, a dwelling house is built thereon shall be given in the manner provided in sub-section (*2*) the first option of purchasing the site at a value determined by the Tribunal.

(*2*) The landlord intending to sell such site shall give notice in writing to the tenant requiring him to state within three months from the date of service of such notice whether he is willing to purchase the site.

(*3*) If within the period of three months so specified the tenant intimates in writing to the landlord that he is willing to purchase the site, the landlord shall make an application to the Tribunal for the determination of the value of the site. On receipt of such application the Tribunal after giving notice to the tenant and after holding an inquiry shall determine the value of the site. The Tribunal may, by an order in writing, require the tenant to deposit the amount of value of such site within three months from the date of such order. On the deposit of such amount the site shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landlord. The Tribunal shall on payment of the prescribed fees grant a certificate in the prescribed form to such tenant specifying therein the site so transferred and the name of such tenant.

(*4*) If the tenant fails to intimate his willingness to purchase the site within the time specified in sub-section (*2*) or fails to deposit the amount of the value within the time specified in sub-section (*3*) the tenant shall be deemed to have relinquished his right of first option to purchase the site and the landlord shall then be entitled to evict the tenant either on payment of such compensation for the value of the structure of such dwelling house as may be determined by the Tribunal or allow the tenant at his option to remove the materials of the structure.

(*5*) Any sale of a site held in contravention of this section shall be null and void.

Dwelling houses of agricultural labourers and artisans.

18. The [1][State] Government may, by notification in the *Official Gazette* direct that the provisions of sections 16 and 17 shall apply to the dwelling houses, and the sites thereof occupied by agricultural labourers or artisans in any particular area specified in the notification

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Tenant's rights to trees planted by him.

19. If a tenant has planted or plants any trees on any land leased to him, he shall be entitled to the produce and the wood of such trees during the continuance of his tenancy and shall on the termination of his tenancy be entitled to such compensation for the said trees as may be determined by the Mamlatdar :

Provided that a tenant shall not be entitled to compensation under this section if the tenancy is terminated by surrender on the part of the tenant :

Provided further that the landlord shall during the continuance of the tenancy, be entitled to the rent of the land as if the trees had not been planted.

Right to produce of naturally growing trees.

20. (*1*) A tenant shall during the continuance of his tenancy be entitled to two-thirds of the total produce of trees naturally growing on the land, the landlord being entitled to one-third of the produce of such trees.

(*2*) If there is any dispute regarding the right to the produce of such trees or the apportionment of such produce as provided under sub-section (*1*) the tenant or the landlord may apply to the Mamlatdar. Such application shall be made in such form as may be prescribed.

(*3*) On receipt of such application, the Mamlatdar shall, after holding an inquiry, pass such order thereon as he deems fit.

Sub-letting of land by or on behalf of person in military, naval or air service of the [1][Union] not to terminate tenancy.

21. Notwithstanding anything contained in this Act or any other law for the time being in force or any agreement or usage, the tenancy of any land leased to and held by a person in the military, naval or air service of the [1][Union] shall not be liable to be terminated on the ground only that the land has been sub-let by or on behalf of the said person.

Tenants responsible for maintenance of boundary marks.

Bom. V of 1879.

22. Notwithstanding anything contained in section 123 of the Bombay Land Revenue Code, 1879, the responsibility for the maintenance and good repair of the boundary marks of the land held by a tenant and any charges reasonably incurred on account of service by revenue officers in case of alteration, removal or disrepair of such boundary marks shall be upon the tenant.

Repairs of protective bunds.

23. (*1*) Notwithstanding any agreement, usage or custom to the contrary, if it appears to the [2][State] Government that the construction, maintenance or repairs of any bunds protecting any land held by a tenant is neglected due to a dispute between the landlord and the tenant or for any other reason, it may by an order in writing direct that the construction, maintenance or repairs shall be carried out by such persons as may be specified in the order and the costs thereof shall be recoverable from the person in actual possession of the land as arrears of land revenue.

(*2*) The person from whom the costs are recovered under sub-section (*1*) shall be entitled to recover the same or any part thereof from any person who under any agreement, usage or custom is wholly or partially liable to construct, maintain or repair the bunds.

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[1] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.
[2] This word was substituted for the word "Provincial", *ibid.*

(*3*) Notwithstanding anything contained in sub-section (*1*), it shall be lawful for the tenant of any land, the protective bunds of which are neglected, to construct, maintain or repair such bunds at his costs and the costs so incurred by him shall on application made by him to the Mamlatdar be recoverable by him from the landlord according to his liability under the agreement, usage or custom. The costs of the proceedings of the tenant's application shall also be recoverable from the landlord in case the landlord is held wholly or partially liable to pay the costs incurred by the tenant for construction, maintenance or repairs to the bunds.

Relief against termination of tenancy in certain cases.

24. Where any tenancy of any land held by any tenant is terminated on the ground that the tenant has done any act which is destructive or permanently injurious to the land, no proceeding for ejectment against such tenant shall lie unless and until the landlord has served on the tenant a notice in writing specifying the act of destruction or injury complained of and the tenant fails within a period of one year from the service of notice to restore the land to the condition in which it was before such destruction or injury.

Relief against termination of tenancyf or non-payment of rent.

25. [1][(*1*)] Where any tenancy of any land held by any tenant is terminated for non-payment of rent and the landlord files any proceeding to eject the tenant, the Mamlatdar shall call upon the tenant to tender to the landlord the rent in arrears together with the cost of the proceeding, within fifteen days from the date of order, and if the tenant complies with such order, the Mamlatdar shall, in lieu of making an order for ejectment, pass an order directing that the tenancy had not been terminated and thereupon the tenant shall hold the land as if the tenancy had not been terminated :

[2][Provided that if the Mamlatdar is satisfied that in consequence of total or partial failure of crops or similar calamity the tenant has been unable to pay the rent due, the Mamlatdar may, for reasons to be recorded in writing, direct that the arrears of rent together with the costs of the proceedings if awarded, shall be paid within one year from the date of the order and that if before the expiry of the said period, the tenant fails to pay the said arrears of rent and costs, the tenancy shall be deemed to be terminated and the tenant shall be liable to be evicted.]

[3][(*2*) Nothing in this section] shall apply to any tenant whose tenancy is terminated for non-payment of rent if he has failed for any three years to pay rent within the period specified in section 14.

Tenancy to be in abeyance during usufructuary mortgage in favour of tenant.

[4][**25A.** If any land is mortgaged by a landlord by way of a usufructuary mortgage to a tenant cultivating such land, the tenancy of such land shall be in abeyance during the period the mortgage subsists. After the expiry of the said period it shall, notwithstanding any other law for the time being in force, be lawful to the tenant to continue to hold the land on the terms and conditions on which he held it before the mortgage was created.]

Receipts for rent.

26. (*1*) In the absence of an express intimation in writing to the contrary by a tenant, every payment made by a tenant to the landlord shall be presumed to be a payment on account of rent due by such tenant for the year in which the payment is made.

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[1] Section 25 was renumbered as sub-section (*1*) of the said section by Bom. 33 of 1952, s. 5.
[2] This proviso was added, *ibid*, s. 5 (*1*).
[3] These brackets, figure and words were substituted for the words " Provided that nothing in this section ", *ibid*, s. 5 (*2*).
[4] Section 25A was inserted by Bom. 34 of 1951. s. 2.

(*2*) Every landlord shall give a written receipt for the amount of rent at the time when such amount is received by him in respect of any land in such form and in such manner as may be prescribed.

Sub-division, sub-letting and assignment prohibited.

27. (*1*) No sub-division or sub-letting of the land or assignment of any interest held by a tenant shall be valid. Such sub-division, sub-letting or assignment shall make the tenancy liable to termination:

Provided that nothing in this sub-section shall prejudicially affect the rights of a permanent tenant or any tenant the duration of whose tenancy is presumed to be co-extensive with the duration of the tenure of the landlord under section 83 of the Bombay Land Revenue Code, 1879:

Bom. V of 1879.

[1][Provided further that if the tenant dies, leaving sons or sons of predeceased sons more than one in number it shall be lawful for such sons and sons of predeceased sons (hereinafter called "sharers"), notwithstanding anything contained in section 40, to partition and sub-divide the land leased subject to the following conditions:—

(*a*) Each sharer shall hold his share as a separate tenant.

(*b*) The rent payable in respect of the land leased shall be apportioned among sharers, as the case may be, according to the share allotted to them.

(*c*) The area allotted to each sharer shall not be less than the unit which the State Government may, by general or special order, specify in this behalf having regard to the production capacity and other circumstances relevant to the full and efficient use of the land for agriculture.

(*d*) If any question arises regarding the apportionment of the rent payable by the sharers it shall be decided by the Mamlatdar whose decision shall be final].

(*2*) Notwithstanding anything contained in sub-section (*1*), it shall be lawful for a tenant to be a member of a co-operative farming society and as such member to sub-let, assign, mortgage or to create, a charge on his interest in the land in favour of such society or in consideration of a loan advanced by any person authorised under section 54 of the Bombay Agricultural Debtors Relief Act, 1947.

Bom. XXVIII of 1947.

[2][(*3*) Notwithstanding anything contained in sub-section (*1*), it shall also be lawful for a tenant to mortgage, or create a charge on, his interest in the land in favour of the State Government in consideration of a loan advanced to him by the State Government under the Land Improvement Loans Act, 1883, the Agriculturists' Loans Act, 1884, or the Bombay Non-Agriculturists' Loans Act, 1928, and without prejudice to any other remedy open to the State Government in the event of his making default in payment of such loan in accordance with the terms on which such loan was granted, it shall be lawful for the State Government to cause his interest in the land to be attached and sold and the proceeds to be applied in payment of such loan.]

XIX of 1883. XII of 1884. Bom. III of 1928.

Bar to attachment, seizure or sale by process of Court.

28. Save as expressly provided in this Act or as provided in the Bombay Co-operative Societies Act, 1925, or the Bombay Agricultural Debtors Relief Act, 1947, for the recovery of loans permitted under section 27, any interest in the land held by him as a tenant shall not be liable to be attached, seized or sold in execution of a decree or order of a Civil Court.

Bom. VII of 1925. Bom. XXVIII of 1947.

[1] This proviso was added by Bom. 33 of 1952, s. 6 (*1*).
[2] Sub-section (*3*) was added, *ibid*, s. 6 (*2*).

Procedure of taking possession.

*29. (*1*) A tenant or an agricultural labourer or artisan entitled to possession of any land or dwelling house under any of the provisions of this Act may apply in writing for such possession to the Mamlatdar. The application shall be made in such form as may be prescribed [1][and within a period of two years from the date on which the right to obtain possession of the land or dwelling house is deemed to have accrued to the tenant, agricultural labourer or artisan, as the case may be].

(*2*) No landlord shall obtain possession of any land or dwelling house held by a tenant except under an order of the Mamlatdar. For obtaining such order he shall make an application in the prescribed form [2][and within a period of two years from the date on which the right to obtain possession of the land or dwelling house, as the case may be, is deemed to have accrued to him].

(*3*) On receipt of application under sub-section (*1*) or (*2*) the Mamlatdar shall, after holding an inquiry, pass such order thereon as he deems fit.

(*4*) Any person taking possession of any land or dwelling house except in accordance with the provisions of sub-section (*1*) or (*2*), as the case may be, shall be liable to forfeiture of crops, if any, grown in the land in addition to payment of costs as may be directed by the Mamlatdar or by the Collector and also to the penalty prescribed in section 81.

Act not to affect rights or privileges of tenant under any other law.

30. Save as otherwise provided in [3][sub-section (*3*) of section 6 and] sub-section (*1*) of section 27, no other provision contained in this Act shall be construed to limit or abridge the rights or privileges of any tenant under any usage or law for the time being in force or arising out of any contract, grant, decree or order of a court or otherwise howsoever.

CHAPTER III.

PROTECTED TENANTS, THEIR SPECIAL RIGHTS AND PRIVILEGES.

Protected tenants.

31. For the purposes of this Act, a person shall be recognised to be a protected tenant if such person has been deemed to be a protected tenant under section 3, 3A or 4 of the Bombay Tenancy Act, 1939. Bom. XXIX of 1939.

Right of protected tenant to purchase land.

32. (*1*) Notwithstanding anything contrary in any law, usage or contract but subject to the provisions of sub-section (*6*), a protected tenant shall at any time be entitled to purchase from the landlord the land held by him as a protected tenant.

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* Section 4 of Bom. XLV of 1951 reads as under:—

Pending applications, appeals, revision applications not to be dismissed if filed within period of two years.

4. If at the date when this Act comes into force an application under section 29 of the said Act is pending before the Mamlatdar or the Tribunal, or an appeal or an application for revision arising out of such application is pending before the Collector or the Bombay Revenue Tribunal, as the case may be, on such date, such application, appeal or application for revision shall not be dismissed only on the ground that the said application under section 29 of the said Act was not made within the period of limitation, if it was made within the period prescribed by section 29 of the said Act as amended by this Act.

[1] These words were added by Bom. 45 of 1951, s. 2 (*i*).

[2] These words were added, *ibid*, s. 2 (*ii*).

[3] These words, brackets and figures were inserted by Bom. 12 of 1951, s. 4.

(*2*) For this purpose the protected tenant shall make an offer in writing to the landlord stating the amount of price for which he intends to purchase the land.

(*3*) If the landlord refuses or fails to accept the offer and to execute the sale deed within three months from the date of the offer, the protected tenant may apply to the Tribunal for the determination of the reasonable price of the land.

(*4*) The Tribunal after giving notice to the landlord and to all persons interested in the land, and after making an inquiry, shall [1][subject to the provisions of sub-section (*4A*)] determine the price in accordance with the rules made in this behalf. The protected tenant shall thereupon deposit the amount of the price so determined with the Tribunal within the prescribed period. [2][The protected tenant shall deposit the amount of the price with the Tribunal—

(*a*) either in a lump sum, or

(*b*) in such instalments not exceeding ten and at such intervals during a period not exceeding fifteen years and on or before such dates as may be fixed by the Tribunal in each case. The Tribunal shall thereupon cause a written notice of the deposit to be served on the landlord.]

[3][(*4A*) Notwithstanding anything contained in sub-section (*4*), the State Government may, by general or special order, determine the rate of the amount of the maximum price for the purchase of any kind of land by tenants who belong to classes declared by the State Government as socially and educationally backward classes or who are the members of the Scheduled Castes or the Scheduled Tribes. In determining such rate, the State Government shall take into consideration the rent payable for the land and other factors specified in sub-section (*4*) of section 66.]

(*5*) [4][On the deposit of the entire amount of the price] the Tribunal shall issue a certificate in the prescribed form to the protected tenant declaring him to be the purchaser of the land. Such certificate shall be conclusive evidence of the sale as against the landlord and all persons interested therein. [5][The Tribunal shall also direct that the entire amount of the price deposited shall be paid to the landlord. If the protected tenant fails to pay the entire amount of the price within the period fixed under sub-section (*4*) the purchase shall not be effective and the amount deposited by the protected tenant shall be refunded to him.]

[6][Provided that until the deposit of the entire amount is made in a lump sum or until the deposit of the last of the instalments is made, the liability of the protected tenant to pay the rent due in respect of the land shall continue and shall not be affected.]

(*6*) The right of a protected tenant under this section to purchase from his landlord the land held by him as a protected tenant shall be subject to all the following conditions specified in clause (*a*) or (*b*), as the case may be, and in clause (*c*) :—

(*a*) if the protected tenant does not hold any arable land, as an owner, the purchase of the land by him shall be limited to the extent of fifty acres of arable land ;

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[1] These words, brackets, figure and letter were inserted by Bom. 33 of 1952, s. 7 (*1*).
[2] This portion was added, *ibid.*
[3] Sub-section (*4A*) was inserted, *ibid.* s. 7 (*2*).
[4] These words were substituted for the words " On such deposit being made ", *ibid*, s. 7 (*3*) (*a*).
[5] This portion was inserted, *ibid.*
[6] This proviso was added, *ibid*, s. 7 (*3*) (*b*).

(*b*) if the protected tenant holds any arable land, as an owner the purchase of the land by him shall be limited to such area as will be sufficient to make up the area of the land owned by him to the extent of fifty acres of arable land; and

(*c*) the total area of the arable land remaining in the ownership of the landlord after the purchase of the land or any portion thereof by the protected tenant is not less than fifty acres:

[1]* * * * * *

(*7*) If any question arises under this section regarding—

(*a*) the priority or any other right in relation to the purchase of the land among the protected tenants *inter se* or between the protected tenant and the landlord, or

(*b*) the kind, extent or location of any particular area of land to be purchased [2][or the amount of the price or any instalment thereof to be deposited];

such question shall be decided by the Tribunal in the prescribed manner.

[3][(*8*) Nothing in section 64 shall affect the right of a protected tenant to purchase under this section the land held by him on lease.].

Right of protected tenants to exchange land.

33. (*1*) Notwithstanding anything contained in this Act or any other law or any agreement or usage, the protected tenants holding lands in the same village as such protected tenants may agree and may make an application to the Mamlatdar in the prescribed form for the exchange of their tenancies in respect of the lands held by them as protected tenants.

(*2*) On receipt of the application, the Mamlatdar after giving notice to the landlords concerned and after making an inquiry may sanction the exchange on such terms and conditions as may be prescribed and may issue certificates in the prescribed form to the applicants.

(*3*) The certificates so issued shall be conclusive of the fact of such exchange against the landlords and all persons interested in the lands exchanged.

(*4*) Each of the two protected tenants shall on exchange hold the land on the same terms and conditions on which it was held by the original tenant immediately before the exchange subject to such modifications as may have been sanctioned by the Mamlatdar.

Landlord's right to determine protected tenancy.

34. (*1*) Notwithstanding anything contained in section 14, a landlord may terminate the tenancy of a protected tenant by giving him one year's notice in writing, stating therein the reasons for such termination, if the landlord *bona fide* requires the land for any of the following purposes, namely :—

(*1*) for cultivating personally, or

(*2*) for any non-agricultural use for his own purpose.

(*2*) Nothing in sub-section (*1*) shall entitle the landlord,—

(*a*) to terminate the tenancy of a protected tenant, if the landlord at the date [4][on which the notice is given or at the date on which the notice expires] has been cultivating personally other land fifty acres or more in area :

Provided that if the land which is being cultivated personally is less than fifty acres, the right of the landlord to terminate the tenancy of the protected

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[1] The proviso was deleted by Bom. 33 of 1952, s. 7 (*4*).
[2] These words were added, *ibid*, s.7 (*5*).
[3] Sub-section (*8*) was inserted, *ibid*, s. 7 (*6*).
[4] These words were substituted for the words " of the notice " by Bom. 12 of 1951, s. 5.

tenant and to take possession of the land leased to him shall be limited to such area as will be sufficient to make up the area of the land which he has been cultivating personally to the extent of fifty acres :

[1]* * * * * * *

(*b*) to terminate the tenancy of a protected tenant, if such tenant has become a member of a co-operative farming society so long as such tenant remains such member ;

[2][or

(*c*) to terminate the tenancy of a protected tenant on the ground that the landlord requires the land for cultivating it personally, unless the income by the cultivation of such land will be the main source of the income of the landlord for his maintenance.]

[3][(*2-A*) If the landlord *bona fide* requires the land for any of the purposes specified in sub-section (*1*) then his right to terminate the tenancy shall be subject to the following conditions, namely :—

(*1*) The land held by the protected tenant on lease stands in the record of rights in the name of the landlord on the first day of January 1952 as the superior holder.

(*2*) If the land held by the landlord is in area equal to the agricultural holding or less, the landlord shall be entitled to terminate the tenancy of the protected tenant in respect of the entire area of such land.

(*3*) If the land held by the landlord is more than the agricultural holding in area, the right of the landlord to terminate the tenancy of the protected tenant shall be limited to an area which shall, after such termination, leave with the tenant half the area of the land leased.

(*4*) The tenancy in respect of the land left with the protected tenant after termination under this section shall not at any time be liable to be terminated on the ground that the landlord *bona fide* requires the said land for any of the purposes specified in sub-section (*1*).

Explanation.—The "agricultural holding" shall mean sixteen acres of jirayat land or four acres of irrigated or paddy or rice land, or lands greater or less in area than the aforesaid areas in the same proportion :

Provided that the State Government may by general or special order direct that the limits of the agricultural holding specified in this section shall for any local area or tract be varied, if the State Government is satisfied that such variation is necessary or expedient in the interest of either the landlord or the tenant or for ensuring the full and efficient use of land for agriculture.]

(*3*) [4][If under sub-section (*2*) or (*2A*)] the tenancy of a protected tenant is terminated of a part of the land leased to him, the rent shall be apportioned in the prescribed manner in proportion to the area of the land left with the protected tenant.

[5][(*4*) Nothing in clause (*a*) of sub-section (*2*) or in sub-section (*2A*) shall authorize the termination of the tenancy in such a manner as will result in contravention of the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, or in making any part of the land leased a fragment within the meaning of the said Act.]

Bom. LXII of 1947.

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[1] The second proviso was deleted by Bom. 33 of 1952, s. 8 (*1*).
[2] This portion was added, *ibid*, s. 8 (*2*).
[3] Sub-section (*2A*) was inserted, *ibid*, s. 8 (*3*).
[4] This portion was substituted for "If under sub-section (*2*)" *ibid*, s. 8 (*4*).
[5] Sub-section (*4*) was added, *ibid*, s. 8 (*5*).

35. [*Branch of undivided Hindu family for the purposes of sections 32 and 34.*] *Deleted by Bom. 33 of 1952, s. 9.*

Power of [2][State] Government to reduce the limit of fifty acres.

36. (*1*) Notwithstanding anything contained in section [1]* * 34, the [2][State] Government may, by notification in the *Official Gazette*, direct that the limits of fifty acres [3][specified in section 34] shall for the purposes of any area specified in the notification be reduced to the limits specified therein.

(*2*) The [2][State] Government may by a like notification direct that the limits of fifty acres [4][specified in the said section] or the reduced limit specified in the notification under sub-section (*1*) shall comprise of such kind or kinds of lands in the area as may be specified in the notification.

Landlord to restore possession if he fails to cultivate within one year.

37. (*1*) If after the landlord takes possession of the land after the termination of the tenancy under section 34, he fails to use it for any of the purposes specified in the notice given under sub-section (*1*) of section 34 within one year from the date on which he took possession or ceases to use it at any time for any of the aforesaid purposes within twelve years from the date on which he took such possession, the landlord shall forthwith restore possession of the land to the tenant whose tenancy was terminated by him, unless he has obtained from the tenant his refusal in writing to accept the tenancy on the same terms and conditions or has offered in writing to give possession of the land to the tenant on the same terms and conditions and the tenant has failed to accept the offer within three months of the receipt thereof.

(*2*) After the tenant has recovered possession under sub-section (*1*) he shall, subject to the provisions of this Act, hold such land on the same terms and conditions on which he held it at the time his tenancy was terminated.

(*3*) If the landlord has failed to restore possession of the land to the tenant as provided in sub-section (*1*) he shall be liable to pay such compensation to the tenant as may be determined by the Mamlatdar for the loss suffered by the tenant on account of eviction.

Circumstances in which landlord shall be deemed to cultivate personally.

38. If a landlord after taking possession of the land after the termination of the tenancy under section 34 dies leaving as his heir a widow or a minor or a person who is subject to mental or physical disability, such heir shall be deemed to cultivate the land personally, if such land cultivated by her or his servants or by hired labour.

Application for recovery of possession by tenant.

39. If at any time the tenant makes an application to the Mamlatdar and satisfies him that the landlord has failed to comply within a reasonable time with the provisions of section 37, the tenant shall be entitled on a direction by the Mamlatdar to obtain immediate possession of the land and to such compensation as may be awarded by the Mamlatdar for any loss caused to the tenant by eviction and by failure on the part of the landlord to restore or give possession of the land to him as required by section 37.

Continuation of tenancy on the death of a protected tenant.

40. If a protected tenant dies, the landlord shall offer to continue the tenancy on the same terms and conditions on which such tenant was holding it at the time of his death to the heir or heirs of the deceased tenant :

Provided that the offer required to be made by the landlord under this section shall be made in writing :

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[1] The figures and word " 32 or " were deleted by Bom. 33 of 1952, s. 10 (*1*).

[2] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[3] These words and figures were substituted for the words " and two hundred acres specified in either of the said sections " by Bom. 33 of 1952, s. 10 (*1*).

[4] These words were substituted for the words " and two hundred acres specified in the said sections ", *ibid*, s. 10 (*2*).

Provided further that if any heirs of the deceased tenant do not agree to continue the tenancy on the same terms and conditions on which the deceased protected tenant was holding the land, the Collector may select an heir or heirs who is or are willing to continue the tenancy on the same terms and conditions. The decision of the Collector shall be final.

Explanation.—For the purposes of this section, an heir means the lineal male descendants of a tenant or his adopted son and failing both his widow who has not re-married.

Compensation for improvement made by protected tenant.

41. (*1*) A protected tenant who has made an improvement on the land held by him shall if his tenancy is terminated under the provisions of this Act, be entitled to compensation for such improvement. For determining the amount of the compensation the tenant shall apply to the Mamlatdar in the prescribed form.

(*2*) The compensation to which a tenant shall be entitled under sub-section (*1*) shall be the estimated value of such improvement at the time of the termination of his tenancy. In estimating such value regard shall be paid to—

(*a*) the amount by which the value of the land is increased by the improvement ;

(*b*) the present condition of the improvement and the probable duration of its effects ;

(*c*) the labour and capital provided or spent by the tenant for the making of the improvement ; and

(*d*) any reduction or remission of rent or other advantage allowed to the tenant by the landlord in consideration of the improvement.

Protected tenant's right to erect farm-house.

42. A protected tenant shall be entitled to erect a farm-house on the land held by him as a protected tenant.

Restriction on protected tenant's right of transfer.

43. No land purchased by a protected tenant under section 32 shall be transferred by sale, gift, exchange, lease, mortgage or assignment without the previous sanction of the [1][State] Government.

CHAPTER IV.

MANAGEMENT OF ESTATES HELD BY LANDHOLDERS.

Power to assume management of landholder's estate.

44. Notwithstanding any law for the time being in force, usage or custom or the terms of contract or grant, when the [1][State] Government is satisfied that on account of the neglect of a landholder or disputes between him and his tenants, the cultivation of his estate has seriously suffered, or when it appears to the [1][State] Government that it is necessary [2][for the said purpose or for the purpose of] ensuring the full and efficient use of land for agriculture to assume management of any landholder's estate, a notification announcing such intention shall be published in the *Official Gazette*, and the Collector shall cause notice of the substance of such notification to be given at convenient places in the locality where the estate is situated. Such notification shall be conclusive.

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2] These words were substituted for the words "for the purpose of improving the economic and social condition of peasants or" by Bom. 33 of 1952, s. 11.

Vesting of estate in management.

45. [1][(*1*) On the publication of the notification under section 44, the estate in respect of which the notification has been published shall, so long as the management continues, vest in the [2][State] Government. Such management shall be deemed to commence from the date on which the notification is published and the [2][State] Government shall appoint a Manager to be in charge of such estate.

[3][(*2*) Notwithstanding the vesting of the estate in the State Government under sub-section (*1*), the tenant holding the lands on lease comprised in the estate shall, save as otherwise provided in this Chapter, continue to have the same rights and shall be subject to the same obligations, as they have or are subject under the preceding Chapters in respect of the lands held by them on lease.]

Effect of declaration of management.

46. On the publication of the notification under section 44, the following consequences shall ensue :—

(*1*) All proceedings then pending in any Civil Court in respect to the debts and liabilities enforceable against the estate shall be stayed; and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended;

(*2*) So long as the management continues no fresh proceedings, processes, executions or attachments shall be instituted in or issued, enforced or executed by any Civil Court in respect of such debts and liabilities;

(*3*) So long as the management continues the holder of the estate shall be incompetent—

(*a*) to enter into any contract involving the estate in pecuniary liability,

(*b*) to mortgage, charge, lease or alienate the property under management or any part thereof, or

(*c*) to grant valid receipts for the rents and profits arising or accruing therefrom:

Provided that nothing contained in this section shall be deemed to preclude the Manager from letting and the holder from taking the whole or a part of such estate on such terms consistent with this Act as may be agreed upon between the parties;

(*4*) So long as the management continues, no person other than the Manager shall be competent to mortgage, charge, lease or alienate such estate or any part thereof.

Manager's powers.

47. (*1*) The Manager shall during the management of the estate have all the powers which the holder thereof might as such have exercised and shall receive and recover all rents and profits due in respect of the property under management.

(*2*) For the purposes of recovering such rents and profits the Manager shall have, in addition to any powers possessed by the holder, all the powers possessed by the Collector under the law for the time being in force for securing and recovering land revenue due to Government.

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[1] Section 45 was renumbered as sub-section (*1*) of the said section by Bom. 33 of 1952, s. 12.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] Sub-section (*2*) was added by Bom. 33 of 1952, s. 12.

Manager to pay costs of management, etc.

48. (*1*) From the sums received or recovered under section 47, the Manager shall pay—

(*i*) the costs of management including the costs of necessary repairs;

(*ii*) the Government revenue and all debts and liabilities for the time being, due or incurred to the [1][Government] in respect of the property under management;

(*iii*) the rent, if any, due to any superior holder in respect of the said estate;

(*iv*) such periodical allowance as the Collector may from time to time fix for the maintenance and other expenses of the holder and of such members of his family as the Collector directs;

(*v*) the costs of such improvements of the said estate as he thinks necessary and as approved by the Collector.

(*2*) The residue shall be retained by the Manager for the liquidation, in the manner hereinafter provided, of the debts and liabilities other than those mentioned in sub-section (*1*) and also for the repayment, either before or after the liquidation of such debts and liabilities, of any loan received from Government by the Manager under this Act. The balance, if any, shall be paid to the holder.

Notice to claimants.

49. On the publication of the order of management, the Manager shall publish in the *Official Gazette*, a notice calling upon all persons having claims against the estate under management to notify the same in writing to such Manager within two months from the date of the publication. He shall also cause copies of such notice to be exhibited at such several places as he thinks fit.

Claim to contain full particulars.

50. (*1*) Every such claimant shall, along with his claim, present full particulars thereof.

(*2*) Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

(*3*) If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

(*4*) If any document in possession or under the control of the claimant is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

Claim not duly notified to be barred.

51. Every such claim other than the claim of the [1][Government] not informed to the Manager within the time and in the manner required by such notice shall, except as provided hereinafter, be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged:

Provided that when proof is made to the Manager that the claimant was unable to comply with the provisions of section 49, the Manager may receive such claim within the further period of two months from the expiration of the original period of two months.

Determination of debts and liabilities.

52. The Manager shall inquire into the history and merits of every claim received under preceding sections and shall in accordance with the rules to be made under this Act determine the amount of the debts and liabilities, if any, justly due to the several claimants.

[1] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

Power to rank debts and fix interest.

53. If such amount cannot be paid at once, the Manager shall then proceed to rank such debts and liabilities according to the order in which they shall be paid, and to fix the interest, if any, to be paid thereon, respectively from the date of the final decision thereon, to the date of the payment and discharge thereof.

Scheme for liquidation.

54. When the total amount of the debts and liabilities including those due and incurred to the [1][Government] has been finally determined, the Manager shall prepare and submit to the Collector a schedule of such debts and liabilities, and a scheme (hereinafter called the liquidation scheme) showing the mode in which it is proposed to pay and discharge the same, whether from the income of the property under management, or with the aid of funds raised under the powers hereinafter conferred, or partly in one of such ways and partly in the other.

Provisions of scheme.

55. Every liquidation scheme shall further provide for the continuance of the payments to be made by the Manager and for the repayment of money, if any, which the Manager proposes to borrow from Government under this Act and may provide for the improvement of the estate under management either from the said income or with the aid of the funds raised as aforesaid or partly in one of such ways and partly in the other.

Effects of sanctioning scheme.

56. When the Collector sanctions the liquidation-scheme, he shall notify the fact of such sanction at such place and in such manner as the [2][State] Government may from time to time by rule direct; and thereupon—

(*i*) all proceedings, processes, executions and attachments stayed or suspended under section 46 shall be for ever barred;

(*ii*) every debt or liability due or owing to any person which was provable before the Manager shall be extinguished, and such person shall be entitled to receive under the liquidation-scheme the amount, if any, finally awarded to him under the preceding sections in respect of such debt or liability.

Power to remove mortgagee in possession.

57. (*1*) If the estate under management or any part thereof be in the possession of a mortgagee or a conditional vendee, the Manager, at any time after the liquidation scheme has been sanctioned as aforesaid, may by an order in writing require such incumbrancer to deliver up possession of the same to him at the end of the then current revenue year.

(*2*) If such incumbrancer refuses or neglects to obey such order, the Manager may without resorting to a Civil Court enter upon the property and summarily evict therefrom the said incumbrancer or any other person obstructing or resisting on his behalf.

(*3*) Nothing in this section shall be held to affect the right of any incumbrancer to receive under the liquidation scheme the amount, if any, awarded to him under this Act.

Power to sell or lease.

58. Subject to the rules made under this Act, the Manager after the liquidation scheme has been sanctioned as aforesaid, shall have power to sell or grant on lease all or any part of the estate under the management:

Provided that the estate or any part thereof shall not be sold or leased for a period exceeding ten years without the previous permission of the Collector:

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[1] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.
[2] This word was substituted for the word "Provincial", *ibid.*

Provided further that the Collector shall not give such permission unless he is satisfied that such sale or lease is necessary for the benefit of the estate [1][or unless such sale is in favour of a protected tenant under section 32.] The decision of the Collector shall be final.

Manager's receipt a discharge.

59. The Manager's receipt for any moneys, rents or profits raised or received by him under this Act shall discharge the person paying the same therefrom or from being concerned to see to the application thereof.

Holder of estate dying.

60. (*1*) If the holder of the estate dies after the publication of the order of management, the management shall continue and proceed in all respects as if the holder were still living.

(*2*) Any person succeeding to the whole or any part of the estate under management shall, while such management continues, be subject in respect of such estate to the disabilities imposed under this Act.

(*3*) No Civil Court shall, during the continuance of the mangement, issue any attachment or other process against any portion of the estate under management for or in respect of any debt or liability incurred by any such person either before or after his said succession.

Termination of management.

61. The [2][State] Government, when it is of opinion that it is not necessary to continue the management of the estate, by order published in the *Official Gazette* direct that the said management shall be terminated. On the termination of the said management the estate shall be delivered into the possession of the holder, or, if he is dead of any person entitled to the said estate together with any balances which may be due to the credit of the said holder. All acts done or purporting to be done by the Manager during the continuance of the management of the estate shall be binding on the holder or to any person to whom the possession of the estate has been delivered.

Manager deemed to be public servant.

XLV of 1860.

62. The Manager appointed under this Chapter shall be deemed to be a public servant under section 21 of the Indian Penal Code.

CHAPTER V.

RESTRICTIONS ON TRANSFERS OF AGRICULTURAL LANDS, MANAGEMENT OF UNCULTIVATED LANDS AND ACQUISITION OF ESTATES AND LAND.

Transfers to non-agriculturists barred.

63. (*1*) Save as provided in this Act,—

(*a*) no sale (including sales in execution of a decree of a Civil Court or for recovery of arrears of land revenue or for sums recoverable as arrears of land revenue), gift, exchange or lease of any land or interest therein, or

(*b*) no mortgage of any land or interest therein, in which the possession of the mortgaged property is delivered to the mortgagee,

shall be valid in favour of a person who is not an agriculturist:

Provided that the Collector or an officer authorised by the [2][State] Government in this behalf may grant permission for such sale, gift, exchange, lease or mortgage, on such conditions as may be prescribed.

[1] These words and figures were inserted by Bom. 33 of 1952, s. 13.
[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(*2*) Nothing in this section shall be deemed to prohibit the sale, gift, exchange or lease of a dwelling house or the site thereof or any land appurtenant to it in favour of an agricultural labourer or an artisan.

[1][(*3*) Nothing in this section shall apply or be deemed to have applied to a mortgage of any land or interest therein effected in favour of a co-operative society as security for the loan advanced by such society.]

Sale of agricultural land to particular persons.

64. (*1*) Where a landlord intends to sell any land he shall apply to the Tribunal for determining its reasonable price. In determining the reasonable price, the Tribunal shall take into consideration the factors to be taken into consideration in fixing the reasonable rent under section 12.

(*2*) After the Tribunal has determined the reasonable price, the landlord shall make an offer in the prescribed form to persons in the following order of priority provided that the person to whom the offer has been made has failed to pay to him the amount of the reasonable price as determined by the Tribunal or to deposit the same with the Tribunal within two months from the date on which the offer is communicated to such person. The order of priority shall be as follows :—

A. In the case of agricultural land other than a dwelling house, the site thereof and land appurtenant to such house when such site or dwelling house or land is not used or is not necessary to carry on agricultural operations in the adjoining lands—

(*i*) the tenant in actual possession of the land,

(*ii*) the person or persons personally cultivating any land adjacent to the land to be sold,

(*iii*) a co-operative farming society,

(*iv*) any other agriculturist,

(*v*) any other person who has obtained from the Collector a certificate that he intends to take the profession of agriculturist.

B. In the case of a dwelling house, or a site of a dwelling house or land appurtenant to such house when such dwelling house, site or land is not used or is not necessary to carry on agricultural operations in the adjoining lands—

(*i*) the tenant if he does not own a dwelling house or a suitable site for such house,

(*ii*) the person residing in the village who is not in possession of any dwelling house :

Provided that if there are more than one such persons the offer shall be made to such person or persons and in such order of priority as the Collector may determine in this behalf having regard to the needs of the following persons, namely :—

(*a*) an agricultural labourer,
(*b*) an artisan,
(*c*) any other person in the village.

[1] This sub-section was added by Bom. 12 of 1951, s. 6.

[1][(*2A*) (*a*) Notwithstanding anything contained in the foregoing provisions of this section, a landlord may, after obtaining the previous permission of the Tribunal as provided in the next succeeding clause (*b*), sell any land to the tenant in actual possession thereof at a price mutually agreed upon between him and the tenant.

(*b*) The landlord shall make an application in writing to the Tribunal for permission to sell the land at such price. On receipt of the application, the Tribunal shall grant the permission if, on holding an inquiry, it is satisfied that the price has been agreed to voluntarily by the tenant.]

(*3*) Any sale made in contravention of this section shall be void.

Exemption to sales by or in favour of co-operative societies.

Bom. VII of 1925.

[2][**64A.** Nothing in sections 63 and 64 shall apply to sales effected by or in favour of a co-operative society under the Bombay Co-operative Societies Act, 1925.]

Assumption of management of lands which remained uncultivated.

65. (*1*) If it appears to the [3][State] Government that for any two consecutive years, any land has remained uncultivated through default of either the landlord or tenant or any other cause whatsoever the [3][State] Government may, after making such inquiry as it thinks fit, declare that the management of such land shall be assumed. The declaration so made shall be conclusive.

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[1] This sub-section was inserted by Bom. 60 of 1953, s. 2.
[2] This section was inserted by Bom. 12 of 1951, s. 7.
[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(*2*) On the assumption of the management, such land shall vest in the [1][State] Government during the continuance of the management and the provisions of Chapter IV shall *mutatis mutandis* apply to the said land :

Provided that the manager shall have power to give such land on lease at rent equal to the amount of its assessment.

Acquisition of estate or land under management or interest therein.

66. (*1*) If at any time it appears to the [1][State] Government that any estate or land, the management of which has been assumed under the provisions of this Act or the interest of any other person in such estate or land should, in the public interest, be compulsorily acquired, it shall be lawful for the [1][State] Government to publish a notification to that effect in the *Official Gazette*. The notification so published shall be conclusive that the estate, land or interest is needed to be acquired in public interest.

(*2*) On the publication of the notification, the Collector shall cause publicity to be given to it at convenient places in the locality and also give notices to the holder of the estate, land or interest and to all persons known or believed to be interested therein.

(*3*) The Collector shall then make an inquiry in the prescribed manner to determine the value of the estate, land or interest which has been acquired. For the said purpose the Collector shall have the same powers as are vested in courts in respect of the following matters under the Code of Civil Procedure, 1908, in trying a suit :—

V of 1908.

(*a*) proof of facts by affidavits,

(*b*) summoning and enforcing the attendance of any person and examining him on oath ; and,

(*c*) compelling the production of documents.

(*4*) In determining the value the Collector shall take into consideration—

(*a*) the assessment payable in respect of the estate or land ;

(*b*) the profits of agriculture and cultivation of the estate or land and of similar estates and lands in the locality ;

(*c*) the prices of crops and commodities in the locality ;

(*d*) exemption from assessment and other privileges enjoyed by the holder and other persons interested in respect of the land, estate and interest ;

(*e*) any other matter which may be prescribed.

(*5*) After determining the value of the estate, land or interest, the Collector shall make an award which shall contain—

(*a*) the particulars of the estate, land or interest,

(*b*) the compensation which in his opinion should be allowed for the land,

(*c*) the apportionment of the compensation among all persons known or believed to be interested.

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[1] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

(*6*) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence as between the Collector and persons interested whether they have respectively appeared before the Collector or not of all the particulars including area and value of the estate, land or interest and the apportionment of compensation.

(*7*) When the Collector has made an award, the estate, land or interest therein shall vest in the [1][Government] free from all incumbrances.

CHAPTER VI.

PROCEDURE AND JURISDICTION OF TRIBUNAL AND MAMLATDAR AND APPEALS.

Constitution of the Tribunal.

67. (*1*) For the purposes of this Act, the [2][State] Government shall constitute a Tribunal for any area to be called the Agricultural Lands Tribunal.

(*2*) The Tribunal shall consist of three or more members one of whom shall be the President. One member at least of the Tribunal shall be a person who is holding or has held a judicial office not lower in rank than that of a Civil Judge under the Bombay Civil Courts Act, 1869, or who has been for not less than three years a barrister, a member of the Faculty of Advocates in Scotland or an Advocate enrolled under the Indian Bar Councils Act, 1926, or a pleader enrolled under the Bombay Pleaders Act, 1920. XIV of 1869. XXXVIII of 1926. Bom. XVII of 1920.

(*3*) For any area for which the Tribunal has not been constituted, the Mamlatdar or any officer authorised in this behalf by the [2][State] Government shall exercise the powers and perform the duties and functions of the Tribunal.

Duties of the Tribunal.

68. It shall be the duty of the Tribunal—

(*a*) to determine the value of the site of a dwelling house under section 17;

(*b*) to decide any dispute as to the particular area of land to be purchased under section 32;

(*c*) to determine the reasonable price of the land under section 32 and section 64;

(*d*) to perform such other functions in carrying out the provisions of this Act, as may be prescribed or as may be directed by the [2][State] Government.

Powers of the Tribunal.

69. (*1*) The Tribunal shall have the same powers in making inquiries under this Act as are vested in Courts in respect of the following matters under the Code of Civil Procedure, 1908, in trying a suit, namely:— V of 1908.

(*a*) proof of facts by affidavits;

(*b*) summoning and enforcing the attendance of any person and examining him on oath; and

(*c*) compelling the production of documents.

(*2*) The Tribunal shall have also such other powers as may be prescribed. The Tribunal shall have powers to award costs.

(*3*) The orders of the Tribunal shall be given effect to in the manner provided in section 73.

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[1] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.
[2] This word was substituted for the word "Provincial", *ibid.*

Duties of the Mamlatdar.

70. For the purposes of this Act, the following shall be the duties and functions to be performed by the Mamlatdar—

(*a*) to decide whether a person is an agriculturist ;

(*b*) to decide whether a person is a tenant or a protected tenant ;

(*c*) to determine the value of the crop of the land under section 6 ;

(*d*) to determine the amount of rent in commutation of crop share rent under section 8 ;

(*e*) to determine the amount of the commutation of the rent received in terms of labour or service under section 9 ;

(*f*) to determine the amount of compensation under section 10 for the contravention of sections 6 to 9 ;

(*g*) to decide what is the reasonable rent under section 12 ;

(*h*) to determine the amount to be refunded to a tenant under section 13(*5*) ;

(*i*) to determine the amount of compensation for trees to which a tenant is entitled under section 19 ;

(*j*) to determine any dispute regarding the right to produce of trees naturally growing under section 20 ;

(*k*) to determine the costs of repairing protective bunds under section 23 ;

(*l*) to sanction exchange of tenancies under section 33 ;

(*m*) to determine the amount of compensation payable to a protected tenant for any improvement under section 41 ;

(*n*) to take measures for putting the tenant or landlord or the agricultural labourer or artisan into the possession of the land or dwelling house under this Act ; and

(*o*) to decide such other matters as may be referred to him by or under this Act.

Commencement of proceedings.

71. Save as expressly provided by or under this Act, all inquiries and other proceedings before the Mamlatdar or Tribunal shall be commenced by an application which shall contain the following particulars :—

(*a*) the name, age, profession and place of residence of the applicant and the opponent ;

(*b*) a short description and situation of the property of which possession is sought, or the amount of the claim, as the case may be ;

(*c*) the circumstances out of which the cause of action arose ;

(*d*) a list of the applicant's documents, if any, and of his witnesses, and whether such witnesses are to be summoned to attend or whether the applicant will produce them on the day of the hearing ;

(*e*) such other particulars as may be prescribed.

Procedure.

72. In all inquiries and proceedings commenced on the presentation of applications under section 71 the Mamlatdar or the Tribunal shall exercise the same powers as the Mamlatdar's Court under the Mamlatdars' Courts Act, 1906, and shall [1][save as provided in section 29] follow the provisions of the said Act, as if the Mamlatdar or the Tribunal were a Mamlatdars' Court under the said Act and the application presented was a plaint presented under section 7 of the said Act. In regard to matters which are not provided for in the said Act, the Mamlatdar or the Tribunal

Bom. II of 1906.

[1] These words and figures were inserted by Bom. 45 of 1951, s. 3.

shall follow the procedure as may be prescribed by the [1][State] Government. Every decision of the Mamlatdar or the Tribunal shall be recorded in the form of an order which shall state reasons for such decision.

Power of Collector to transfer proceedings.

[2][**72A.** The Collector may, after due notice to the parties, by order in writing transfer any proceeding under this Act pending before a Mamlatdar in his district from such Mamlatdar to any other Mamlatdar in his district and the Mamlatdar to whom the proceeding is so transferred shall thereupon exercise jurisdiction under this Act in such proceeding :

Provided that any order issued to village officers under sub-section (*2*) of section 73 shall be issued by the Mamlatdar to whom such village officers are subordinate.]

Execution of order for payment of money or for restoring possession.

73. (*1*) Any sum the payment of which has been directed by an order of the Mamlatdar or the Tribunal including an order awarding costs shall be recoverable from the person ordered to pay the same as an arrear of land revenue.

(*2*) An order of the Mamlatdar or the Tribunal awarding possession or restoring the possession or use of any land shall be executed in the manner provided in section 21 of the Mamlatdars' Courts Act, 1906, as if it was the decision of the Mamlatdar under the said Act. Bom. II of 1906.

Appeals.

74. (*1*) An appeal against the orders of the Mamlatdar and Tribunal may be filed to the Collector in the following cases :—

(*a*) an order under section 4,
(*b*) an order under section 6,
(*c*) an order under section 8,
(*d*) an order under section 9,
(*e*) an order under section 10,
(*f*) an order under section 12,
(*g*) an order under section 13,
(*h*) an order under section 17,
(*i*) an order under section 19,
(*j*) an order under section 20,
(*k*) an order under section 23,
(*l*) an order under section 25,
(*m*) an order under section 29,
[3][(*mm*) an order under section 31,]
(*n*) an order under section 32,
(*o*) an order under section 33,
(*p*) an order under section 37,
(*q*) an order under section 39,
(*r*) an order under section 41 and
(*s*) an order under section 64.

(*2*) Save as otherwise provided in this Act, the provisions of Chapter XIII of the Bombay Land Revenue Code, 1879, shall apply to appeals to the Collector under this Act, as if the Collector were the immediate superior of the Mamlatdar or the Tribunal. The Collector in appeal shall have power to award costs. Bom. V of 1879.

[1] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
[2] This section was inserted by Bom. 12 of 1951, s. 8.
[3] Clause (*mm*) was inserted by Bom. 33 of 1952, s. 14.

Powers of Collector to transfer and withdraw appeals.

[1][**74A.** The Collector may, after due notice to the parties, by order in writing,—

(*a*) transfer any appeal pending before him or before any Assistant or Deputy Collector subordinate to him to any Assistant or Deputy Collector specified in such order, performing the duties and exercising the powers of a Collector and upon such transfer the Assistant Collector or the Deputy Collector, as the case may be, shall have power to hear and decide the appeal as if it was originally filed to him ; or

(*b*) withdraw any appeal pending before any Assistant or Deputy Collector and himself hear and decide the same.]

Appeal against award of Collector.

Bom. XII 1939.

75. (*1*) An appeal against the award of the Collector made under section 66 may be filed to the Bombay Revenue Tribunal, notwithstanding anything contained in the Bombay Revenue Tribunal Act, 1939.

(*2*) In deciding appeals under sub-section (*1*), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908.

V of 1908.

Revision.

Bom. XII of 1939.

76. (*1*) Notwithstanding anything contained in the Bombay Revenue Tribunal Act, 1939, an application for revision may be made to the Bombay Revenue Tribunal constituted under the said Act against any order of the Collector on the following grounds only :—

(*a*) that the order of the Collector was contrary to law ;

(*b*) that the Collector failed to determine some material issue of law ; or

(*c*) that there was a substantial defect in following the procedure provided by this Act, which has resulted in the miscarriage of justice.

(*2*) In deciding applications under this section the Bombay Revenue Tribunal shall follow the procedure which may be prescribed by rules made under this Act after consultation with the Bombay Revenue Tribunal.

Court-fees.

VII of 1870.

77. Notwithstanding anything contained in the Court-fees Act, 1870, every application or appeal made under this Act to the Mamlatdar, Tribunal, Collector or Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

Orders in appeal or revision

78. (*1*) The Collector in appeal and the Bombay Revenue Tribunal in appeal under section 75 and in revision under section 76 may confirm, modify or rescind the order in appeal or revision or its execution or may pass such other order as may seem legal and just in accordance with the provisions of this Act.

(*2*) The orders of the Collector in appeal or of the Bombay Revenue Tribunal in appeal or revision shall be executed in the manner provided for the execut on of the orders of the Mamlatdar and Tribunal under section 73.

Limitation.

79. Every appeal or application for revision under this Act shall be filed within a period of sixty days, from the date of the order of the Mamlatdar, Tribunal or Collector, as the case may be. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal or application for revision.

IX of 1908.

Inquiries and proceedings to be judicial proceedings.

XLV of 1860.

80. All inquiries and proceedings before the Mamlatdar, the Tribunal, the Collector and the Bombay Revenue Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

[1] Section 74A was substituted for the original by Bom. 53 of 1952, s. 15.

Pleaders, etc., excluded from appearance.

[1][**80A.** Notwithstanding anything contained in this Act or any law for the time being in force, no pleader shall be entitled to appear on behalf of any party in any proceedings under this Act before the Mamlatdar, the Tribunal or the Collector:

Provided that the Mamlatdar, the Tribunal or the Collector may, in the interest of justice for reasons to be recorded in writing, allow the parties to be represented at their own cost by a pleader:

Provided further that pleader's fees shall not be allowed as part of the costs for the appearance of a pleader in any such proceedings:

Provided also that if any officer of Government is appointed or declared by a competent court or is authorised under any law for the time being in force as a guardian, administrator or manager of the property of a person who is under a legal disability or is incompetent or unable to manage or to act, such officer shall be entitled to appear through a representative authorised by him in writing in this behalf in any proceedings before the Mamlatdar, the Tribunal or the Collector. Such representative may also submit any application and otherwise act on behalf of the officer in any such proceedings.

Explanation.—For the purposes of this section the expression 'pleader' includes an advocate, attorney, vakil or any other legal practitioner.]

CHAPTER VII.

OFFENCES AND PENALTIES.

Offences and penalties.

81. (*1*) Whoever contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following Table shall, on conviction, for each such offence, be punishable with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table headed 'subject' are not intended as the definitions of offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column.

TABLE.

Section, sub-section or clause.	Subject.	Fine which may be imposed.
1	2	3
		Rs.
Section 5	.. Tenancy of land for a period less than ten years or termination of tenancy before the expiry of period of ten years.	1,000
Section 8 (*3*)	.. Recovery of rent by way of crop-share or in excess of commuted cash-rent.	1,000
Section 9 (*3*)	.. Receipt of rent in form of labour or service	1,000
Section 11	.. Levy of cess, rate, vero, huk, tax or service which has been abolished.	1,000
Section 26 (*2*)	.. Failure to give written receipt for the amount of rent received.	100
Section 29	.. Taking possession of land or dwelling house contrary to section 29.	1,000

(*2*) An offence for the contravention of the provisions of section 9 or 11 shall be cognizable.

[1] Section 80A was inserted by Bom. 60 of 1953, s. 3.

CHAPTER VIII.

MISCELLANEOUS.

Rules.

82. (*1*) The [1][State] Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provisions such rules may provide for the following matters :—

(*a*) the manner of determining the value of the crop of the land under section 6 ;

(*b*) the manner of determining the amount of commutation of crop-share rent into cash under section 8 ;

(*c*) the penalty to be recovered under section 10 ;

(*d*) the other factors to be taken into consideration for determining reasonable rent under section 12 ;

(*e*) the fees to be paid for the grant of a certificate and the form of such certificate under sub-section (*3*) of section 17 ;

(*f*) the manner and the form in which a receipt is to be given by the landlord under section 26 ;

(*g*) the manner of determining the reasonable price of land and the period during which the amount of price may be deposited under section 32 ;

(*h*) the terms and conditions for exchange of lands and the form of certificate to be issued under section 33 ;

(*i*) the manner of determining debts and liabilities under section 52 ;

(*j*) the manner of notifying liquidation scheme sanctioned under section 56 ;

(*k*) the conditions subject to which permission to acquire land or interests therein may be granted under section 63 ;

(*l*) the manner of making inquiry to determine the value of the estate, land or interest acquired and any other matter to be taken into consideration in determining the value under section 66 ;

(*m*) the other functions of the Tribunal under section 68 ;

(*n*) the other powers of the Tribunal under section 69 ;

(*o*) the other procedure to be followed by the Mamlatdar and Tribunal under section 72 ;

(*p*) the value of the court-fee stamp payable on an application to the Mamlatdar or Tribunal or on an application or appeal to the Collector or Bombay Revenue Tribunal under section 77 ;

(*q*) any other matter which is or may be prescribed under this Act.

(*3*) Rules made under this section shall be subject to the condition of previous publication in the *Official Gazette*.

Delegation of powers.

83. The [1][State] Government may, subject to such restrictions and conditions as it may impose, by notification in the *Official Gazette*, delegate to any of its officers, not below the rank of an Assisant or Deputy Collector, all or any of the powers conferred on it by this Act.

Summary eviction.

84. Any person unauthorisedly occupying or wrongfully in possession of any land—

(*a*) the transfer of which either by the act of parties or by the operation of law is invalid under the provisions of this Act,

(*b*) the management of which has been assumed under the said provisions, or

(*c*) to the use and occupation of which he is not entitled under the said provisions

and the said provisions do not provide for the eviction of such persons,

may be summarily evicted by the Collector.

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Bar of jurisdiction.

85. (*1*) No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Mamlatdar or Tribunal, a Manager, the Collector or the Bombay Revenue Tribunal in appeal or revision or the [1][State] Government in exercise of their powers of control.

(*2*) No order of the Mamlatdar, the Tribunal, the Collector or the Bombay Revenue Tribunal or the [1][State] Government made under this Act shall be questioned in any civil or criminal court.

Explanation.—For the purposes of this section, a Civil Court shall include a Mamlatdar's Court constituted under the Mamlatdars' Courts Act, 1906. Bom II of 1906

Control.

86. In all matters connected with this Act, the [1][State] Government shall have the same authority and control over the Mamlatdars and the Collectors acting under this Act as they have and exercise over them in the general and revenue administration.

Indemnity.

87. No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

Act not to apply to certain lands and areas.

88. (*1*) Nothing in the foregoing provisions of this Act shall apply—

(*a*) to lands held on lease from the [2][Government], a local authority or a co-operative society ;

(*b*) to lands held on lease for the benefit of an industrial or commercial undertaking ;

[3][(*c*) to any area within the limits of Greater Bombay, within the limits of the Municipal Corporations constituted under the Bombay Provincial Municipal Corporations Act, 1949, within the limits of the municipal boroughs constituted under the Bombay Municipal Boroughs Act, 1925, and within the limits of any cantonment ; or] Bom. LIX of 1949. Bom. XVIII of 1925.

(*d*) to any area which the [1][State] Government may, from time to time, by notification in the *Official Gazette*, specify as being reserved for urban non-agricultural or industrial development :

[4][Provided that nothing in this sub-section shall apply to any lands forming part of an estate taken under management by and vesting in the State Government under Chapter IV, or to the lands taken under management temporarily by the Civil, Revenue or Criminal Courts by themselves or through the receivers appointed by them, till the decision of the title of the rightful owner.]

[5][*Explanation.*—Where a part of a survey number or sub-division falling within any of the limits referred to in clause (*c*) is equal to or exceeds half the area of such survey number or sub-division, the whole of the survey number or sub-division shall be deemed to be included in the area within such limits.]

[6][(*1A*) A protected tenant whose name stands entered as an owner in the record of rights on the first day of January 1952 in respect of any land fifty acres or more of jirayat or twelve and half acres or more of irrigated land in area in addition to the land held by him on lease as a protected tenant shall not be entitled to any rights or privileges conferred on a protected tenant by the provisions of section 32 or 34.]

(*2*) Notwithstanding anything contained in sub-section (*1*) the [1][State] Government may, by notification published in the *Official Gazette*, direct that any particular land or class of lands in any area shall not be exempt from all or any of the provisions of this Act.

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

[2] This word was substituted for the word "Crown", *ibid*,

[3] Clause (*c*) was substituted for the original by Bom. 33 of 1952, s. 16 (*1*) (*a*).

[4] This proviso was added, *ibid*, s. 16 (*1*) (*b*).

[5] This Explanation was added by Bom. 60 of 1953, s. 4.

[6] Sub-section (*1A*) was inserted by Bom. 33 of 1952, s. 16 (*2*).

89. (*1*) The enactment specified in the Schedule is hereby repealed to the extent mentioned in the fourth column thereof. Repeal.

(*2*) But nothing in this Act or any repeal effected thereby—

Bom. V of 1879. (*a*) shall affect the amendments made in section 59 of the Bombay Land Revenue Code, 1879, or sections 6 and 9 of the Khoti Settlement Act, 1880;

Bom. I of 1880 (*b*) shall save as expressly provided in this Act, affect or be deemed to affect,

(*i*) any right, title, interest, obligation or liability already acquired, accrued or incurred before the commencement of this Act, or

(*ii*) any legal proceeding or remedy in respect of any such right, title, interest, obligation or liability or anything done or suffered before the commencement of this Act,

and any such proceedings shall be continued and disposed of, as if this Act was not passed.

(*3*) Notwithstanding anything contained in sub-section (*2*), all proceedings for the recovery or restoration of the possession of the land under section 7 of the Act so repealed, pending at the date of the commencement of this Act before the Mamlatdar or in appeal before the Collector, shall, notwithstanding anything contained in this section, be deemed to have been instituted and pending before the Mamlatdar or in appeal before the Collector, as the case may be, under this Act and shall be disposed of in accordance with the provisions of this Act.

Bom. XXIX of 1939. (*4*) Any appointment, notification, notice, order, rule or form made or issued under the Bombay Tenancy Act, 1939, shall continue to be in force and deemed to have been made or issued under the provisions of this Act, in so far as such appointment, notification, notice, order, rule or form is not inconsistent with the provisions of this Act or rules made thereunder and shall continue to be in force unless and until it is superseded by any appointment, notification, notice, order, rule or form made or issued under this Act.

THE SCHEDULE.

Enactment repealed.

(*See* section 89.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1939	XXIX	The Bombay Tenancy Act, 1939.	The whole except sections 3, 3-A and 4 as modified in the following manner, namely :—
			3. A tenant shall be deemed to be a protected tenant in respect of any land if— Protected tenants.
			(*a*) he has held such land continuously for a period of not less than six years immediately preceding either—
			(*i*) the first day of January 1938, or
			(*ii*) the first day of January 1945; and
			(*b*) he has cultivated such land personally during the aforesaid period.
			Explanation I.—If the person who held such land on the first day of January 1938 or the first day of January 1945, as the case may be, came to hold the same by inheritance or succession from another person or if he has held such land as a tenant and is an heir to such other person, the period during which such other person held such land as a tenant shall be included in calculating the period of six years under this section.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4

Explanation II.—If the person who held such land on the first day of January 1938 or the first day of January 1945, as the case may be, held as a tenant at any time within six years before the said date from the same landlord in the same village any other land which he cultivated personally, the period during which he held such other land shall be included in calculating the period of six years under this section.

Explanation III.—Where any land is held by two or more persons jointly as tenants, all such persons shall, if any one of them cultivated and continues to cultivate such land personally and if the other conditions specified in this section are fulfilled, be deemed to be protected tenants in respect of such land.

Tenants on expiry of one year from coming into force of Bom. XXVI of 1946 to be deemed protected tenants.

3A Every tenant shall, from the eighth day of November 1947 be deemed to be a protected tenant for the purposes of this Act and his rights as such protected tenant shall be recorded in the Record of Rights, unless his landlord has prior to the aforesaid date made an application to the Mamlatdar for a declaration that the tenant is not a protected tenant.

Explanation.—A person shall not be deemed to be a protected tenant if such person has been on an application made by the owner of the land as provided in section 3-A of the Bombay Tenancy Act, 1939, declared by a competent authority not to be a protected tenant. Bom. XXIX of 1939.

Tenants evicted after 1st April 1937 to be deemed protected tenants.

4. (*1*) Every tenant shall be deemed to be a protected tenant for the purposes of this Act, if he—

(*a*) held any land and cultivated it personally continuously for a period of not less than six years immediately preceding the first day of April 1937 and was evicted from such land on or after such date otherwise than by order of a competent authority on any of the grounds specified in section 14 of this Act, or

(*b*) held any land and cultivated it personally continuously for a period of not less than six years immediately preceding the first day of April 1944 and was evicted from such land on or after such date otherwise than by order of a competent authority on any of the grounds specified in section 14 of this Act:

Provided that any tenant who had been evicted from the land in consequence of his failure to tender the rent referred to in section 9 of the Bombay Small Holders Relief Act, 1938, as provided therein, shall not be deemed to be a protected tenant for the purposes of this Act, unless he had paid to the landlord such rent in cases falling under clause (*a*) within four months from the date on which this section came into force in the area in which the land is situated and in cases falling under clause (*b*) within six months from the eighth day of November 1946. Bom. VIII of 1938.

Year.	No.	Short title	Extent of repeal
1	2	3	4

(*2*) A person who is deemed to be a protected tenant under sub-section (*1*) shall, if he had intimated in writing to the landlord in cases falling under clause (*a*) of sub-section (*1*) within one year after the coming into force of this section in the area in which the land is situated and in cases falling under clause (*b*) of sub-section (*1*) within one year after the eighth day of November 1946, that he is willing to hold the land on the same terms and conditions on which he held it at the time when he was evicted, be entitled to recover possession of the land—

(*a*) in cases falling under clause (*a*) of sub-section (*1*)—

(*i*) if the land has been leased out by the landlord for a period expiring after the 31st day of May immediately following the date of the coming into force of this section in the area in which the land is situated, from the date on which such lease expires; and

(*ii*) in other cases, from the 1st day of June immediately following the date of the coming into force of this section in the area in which the land is situated;

(*b*) in cases falling under clause (*b*) of sub-section (*1*)—

(*i*) if the land has been leased out by the landlord for a period expiring after 31st day of May 1947 from the date on which such lease expires; and

(*ii*) in other cases from the 1st day of June 1947 and on so recovering possession, he shall, subject to the provisions of this Act, hold the land on the said terms and conditions.

(*3*) The provisions of this section shall not apply in cases where the landlord is using the land for any of the purposes mentioned in sub-section (*1*) of section 34 of this Act.